

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
ANTONIO DIMARCO, and :
JOAKIM VON DITMAR, :
:
Defendants. :
:
- - - - - X

USDC SDNY
DOCUMENT
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SUPERSEDING INDICTMENT

S1 18 Cr. 863 (VEC)

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about November 2017, through at least in or about October 2018, in the Southern District of New York and elsewhere, ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and

television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, DIMARCO and VON DITMAR, attempted to (a) obtain works of art from various auction houses, art galleries, and through private art dealers, including in the Southern District of New York, in part (i) through the use of a particular victim identity, including the victim's financial information and (ii) through the use of false financial documentation, which the defendants transmitted, in part, via email and text messages; and (b) obtain loans from third parties based on misrepresentations about the defendants' purported ownership of the subject artworks, which the defendants transmitted, in part, via email and text messages.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Aggravated Identity Theft)

The Grand Jury further charges:

3. From at least in or about November 2017, up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation

enumerated in Title 18, United States Code, Section 1028A(c), to wit, DIMARCO and VON DITMAR stole, and aided and abetted the theft of, personal information, including the name and bank account numbers of a particular victim, in connection with a conspiracy to commit wire fraud.

(Title 18, United States Code, Sections 1028A(a)(1),
1028A(c)(5), and 2.)

COUNT THREE

(Wire Fraud)

The Grand Jury further charges:

4. From at least in or about 2014, up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, ANTONIO DIMARCO, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, DIMARCO held himself out as an interior designer to a certain victim, and induced the victim to pay him in excess of \$500,000, including wire transfers originating in the Southern District of New York from the victim for the benefit of DIMARCO on or about March 3, 2016, March 8, 2016, in order to renovate and decorate

the victim's home, when in fact, DIMARCO never intended to, and did not deliver the promised improvements.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT FOUR
(Wire Fraud)

The Grand Jury further charges:

5. From at least in or about November 2017, up to and including at least in or about October 2018, in the Southern District of New York and elsewhere, ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, DIMARCO and VON DITMAR, attempted to (a) obtain works of art from various auction houses, art galleries, and through private art dealers, including in the Southern District of New York, in part (i) through the use of a particular victim identity, including the victim's financial information and (ii) through the use of false financial documentation, which the defendants transmitted, in part, via email and text messages; and (b) obtain loans from third parties

based on misrepresentations about the defendants' purported ownership of the subject artworks, which the defendants transmitted, in part, via email and text messages; in connection with the scheme, DIMARCO transmitted a series of email communications from Miami, Florida to an auction house in Manhattan in or about December 2017.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATIONS

6. As a result of committing the offenses alleged in Counts One and Four of this Indictment, ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendants personally obtained.

7. As a result of committing the offense alleged in Count Three of this Indictment, ANTONIO DIMARCO, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that

constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant personally obtained.

Substitute Asset Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property

of the defendants up to the value of the above-described
forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)

FOREPERSON

GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANTONIO DIMARCO and
JOAKIM VON DITMAR,

Defendants.

INDICTMENT

S1 18 Cr. 863 (VEC)

(18 U.S.C. §§ 1349, 1028A, 1343 and 2.)

GEOFFREY S. BERMAN
United States Attorney



5/30/19 Filed Indictment.

Cott, JGMJ